

Indiana Department of Education

Division of Exceptional Learners

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1821.01
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	November 6, 2001
DATE OF REPORT:	December 6, 2001
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	January 9, 2003

COMPLAINT ISSUES:

Whether the South Vermillion Community School Corporation and the Covered Bridge Special Education District violated:

511 IAC 7-18-2(a) with regard to the school's alleged failure to provide a free appropriate public education for two students with disabilities who are less than 22 years of age and have not received regular high school diplomas.

FINDINGS OF FACT:

1. Student A and Student B are 10 years old, are in 4th grade, and are eligible for special education and related services as students with a moderate mental disability (Student A) and Autism (Student B).
2. At the beginning of the 2001-2002 school year, the Students had legal settlement in the Southwest Parke School Corporation, but were being home schooled. On September 21, 2001, the Complainant purchased a home located in South Vermillion School Corporation ("School"). Although the Complainant did not gain possession of the home until October 20, 2001, the Students were enrolled in School on September 24, 2001. Page 1 of the School's policy for Eligibility of Resident/Nonresident Students states that: "Proof of legal settlement will be required for registration in the corporation." The School did not ask for proof of residency when the Students were enrolled.
3. The Students attended school for four days through September 27, 2001. On that date, the Complainant received a phone call from the principal stating that the Students were to be picked up and could not return to school until proof of residence was received by the superintendent. On September 27, 2001, the Complainant provided a copy of the sales agreement for the newly purchased home, at which time the superintendent also requested proof of a utility receipt. As the Complainant had not yet moved into the house, no utility bill could be provided. The Students were removed from school by the Complainant on September 27, 2001, and the Students were home schooled from September 28 through November 14, 2001.
4. Page 2 of the School's policy for Eligibility of Resident/Nonresident Students states: "Students whose parents do not have legal settlement within the corporation but who present evidence that they will move into the Corporation within a short period of time may enroll in the schools of this Corporation as tuition students for this time not in residence." This was not presented as an option to the complainant. The School did not conduct an expulsion hearing in accordance with IC 20-8.1-5.1-11 and IC 20-8.1-5.1-13 before removing the Students from school.

5. On October 26, 2001, the superintendent sent a letter to the Complainant stating that the Students could enroll in school. The complainant chose not to enroll the Students until after the state attendance officer spoke to the superintendent. After talking to the state attendance officer, the Superintendent mailed a second letter dated November 13, 2001, stating that the complainant, as a resident of the school district, could enroll the Students in school. Student B was enrolled in school on November 14, 2001, and Student A was enrolled in school on November 15, 2001.

CONCLUSIONS:

Finding of Fact #2 indicates that, upon purchase of a home in the School corporation, the School allowed the Students to enroll without requiring documentation of legal settlement in the corporation. Findings of Fact #3 and #4 reflect that, after allowing the Students to attend School for four days, the School requested documentation of legal settlement, rejected the new home sales agreement as insufficient documentation, and specifically requested a utility bill. When no utility bill was available, the parent was required to remove the Students from School without benefit of an expulsion hearing. Finding of Fact #5 indicates that the Students were subsequently allowed to re-enroll in the School after the parent took possession of the home. Because the School enrolled the Students, allowed them to attend for four days, and failed to conduct an expulsion hearing prior to excluding them from further attendance, a violation of 511 IAC 7-18-2(a) is found.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The South Vermillion Community School Corporation and the Covered Bridge Special Education District shall:

1. convene a CCC meeting to determine the need for compensatory educational services for Students A and B from September 27, 2001, through October 26, 2001. **The School shall submit a copy of the IEP and Case Conference Summary Report, including how the compensatory time will be scheduled and who will be responsible for providing the compensatory services, to the Division no later than January 11, 2002.**
2. in-service all personnel within the school corporation, who have responsibilities of enrolling students new to the school district, regarding procedures for doing so. **The School shall submit a copy of the agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title to the division no later than January 18, 2002.**